

Federal Emergency Management Agency

Washington, D.C. 20472

MEMORANDUM FOR: Regional Administrators
FEMA Regions I-X

FROM: David I. Maurstad
Assistant Administrator

DATE: 14-AUG-08

SUBJECT: Mitigation Plan Requirements Effective October 1, 2008

This memorandum clarifies the effective date for the *Local Multi-Hazard Mitigation Planning Guidance* that was issued on July 1, 2008. In compliance with the regulatory provisions in the Interim Final Rule published October 31, 2007, the Guidance is effective for all plans approved by FEMA *after* October 1, 2008.

Many plans submitted prior to October 1, 2008, may not be approved and /or adopted by the local jurisdiction by this date and some plans may still be under review by the State or FEMA when the requirements take effect. Therefore, the following procedures clarify which plans require changes to meet the new Guidance effective October 1, 2008:

1. Plans submitted prior to October 1, 2008, that are approved and adopted will not be affected; no additional changes are required for plan approval.
2. Plans submitted prior to October 1, 2008, that are “approvable pending adoption” but may be adopted after October 1, 2008, will not require additional changes. However, formal adoption by the community must still be completed in order to be eligible to apply and/or receive hazard mitigation assistance for project grants.
3. All other plans **must** be evaluated against the new Guidance and the corresponding crosswalk (included in the July 1, 2008 *Local Multi-Hazard Mitigation Planning Guidance*). FEMA can provide assistance, where necessary, to help jurisdictions meet these new requirements. In particular, Regions should work with jurisdictions whose plans were submitted for review, but were returned for additional information and revision prior to October 1, 2008. Regional floodplain management staff should be able to provide community specific information on the community’s National Flood Insurance Program (NFIP) status, as well as data on any repetitive loss properties.

It is critical that any community currently in the process of developing a local mitigation plan be provided the Guidance referenced above, especially if the plan is expected to be submitted to or approved by FEMA after October 1, 2008. The *Local Multi-Hazard Mitigation Planning Guidance* expands on previously released guidance by addressing

issues related to plan updates, incorporating lessons learned over the past several years, and providing guidance on the new regulatory requirements. The two new regulatory requirements for local mitigation plans are:

- §201.6(c)(2)(ii) address NFIP insured structures that have been repetitively damaged by floods; and
- §201.6(c)(3)(ii) address the jurisdiction's participation in the NFIP, and continued compliance with NFIP requirements, as appropriate.

In addition, Regional mitigation planning staff should complete all local mitigation plan reviews using the Plan Review Crosswalk included in the July 1, 2008. *Local Multi-Hazard Mitigation Planning Guidance* from this date forward, even though the two new requirements will not be required for plan approval until after October 1, 2008. If approved or approved pending adoption prior to October 1, 2008, use of the crosswalk will ensure that the community is aware of the changes necessary for their plan to be approved after October 1, 2008.

Finally, local mitigation plans currently being developed with FEMA planning grants do not require a change in the scope of work to address the new elements; rather, compliance with the new requirements should be addressed during the plan review process.

If you have any questions regarding this policy, please contact me, or have a member of your staff contact Kathleen Smith in the Assessment and Planning Branch, Risk Analysis Division, by telephone at (202) 646-4372.

cc: Mitigation Division Directors, FEMA Regions I-X

DM: ks